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Letter dated 31 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to forward herewith copies of the following documents relating to the Australia-led Regional Assistance Mission that is now being deployed to Solomon Islands to restore law and order and economic recovery:

1. Solomon Islands Government policy statement on the offer by the Government of Australia for strengthened assistance to Solomon Islands (annex I).

2. The Facilitation International Assistance Act 2003 (annex II).

3. Agreement between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga concerning the operations and status of the police and armed forces and other personnel deployed to Solomon Islands to assist in the restoration of law and order and security (annex III).

I should be grateful if you could arrange for the circulation of the present letter and its annexes* as a document of the Security Council.

(*Signed*) Beraki **Jino**
Minister Counsellor
Chargé d'affaires a.i.

* The annexes are being circulated in the language of submission only.

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Annexes to the letter dated 31 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the President of the Security Council

Annex I

Solomon Islands Government policy statement on the offer by the Government of Australia for strengthened assistance to Solomon Islands, 2003

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INTRODUCTION

This Paper deals with the important subject of the proposed offer by the Government of Australia to pursue addressing the threats to our security and economic recovery. This proposal resulted from the realities of our own situation and the need for us to resolve these threats meaningfully and positively.

2. In this context, and under the prevailing circumstances, we, the national leaders of our young nation, have to be realistic, practical and pragmatic in order to be able to restore lasting peace, return the rule of law and recover the economy. To this fundamental extent, it has been necessary for us to have consultations as wide as possible with our regional friends of the Forum, our colleagues within the Commonwealth and the United Nations. Thus, our search for a path to lead us to our destiny for peaceful existence, progressive development and nation building has been heard, appreciated and understood. It is now time to act, and such needed action is being proposed for Parliament's consideration, determination and approval.

3. Solomon Islands is greatly indebted to Australia for taking the initiative to formulate the strategy for strengthened assistance based on a cooperative effort between Solomon Islands and other members of the Pacific Islands Forum to be led by Australia and New Zealand and engaging donors where possible.

4. For Solomon Islands part, the first step is to bring this cooperative effort to Parliament for its formal endorsement and approval. This is the hallmark of our subscription and adherence to the principle of representative democracy. For Parliament's voice is the voice of our people

5 The operative considerations for determination and decision in this statement are presented in the Parts that follow.

PART I: STARTING POINT

1. Background.

1.1 Solomon Islands Government Major Priorities.

The most challenging responsibility that, the Government declared, on assuming office in mid December 2001, was to work hard for the restoration of peace and returning the country and our people to normalcy under the rule of law. To this fundamental extent, the major policy priorities were clearly set for dedication, determination and decisiveness in government actions and directions. These policy priorities are:

(a) Restoration of Peace and Security Issues,
(b) Management of Government Finances.
(c) Education Services
(d) Medical Services, and
(e) Productive Sectors.

1.2 Pursuit of Constructive Consultations

1.2.1 It has been in pursuit of finding positively constructive ways and means by which the Government may be able to accommodate and contain, and hence resolve, the continuing deteriorating state of affairs of our people, that led to taking the message afar to our friendly governments and organizations, both within the Pacific region and in the international community.

1.2.2 The Government, therefore, has had to persistently seek constructive consultations at the bilateral as well as the multilateral levels. Such consultations were held at the United Nations, the Commonwealth and the Pacific Islands Forum meetings during the past 18 months.

1.3 The Prime Ministers Meeting

1.3.1 All those consultative sessions both at the diplomatic and political levels culminated in the meeting in Canberra between the Solomon Islands Prime Minister and the Australian Prime Minister. At the invitation of the Australian Prime Minister, Honourable John Howard, MP, the Solomon Island Prime Minister, Honourable Sir Allan Kemakeza, MP, accompanied by a very high-level delegation visited Canberra from 4th to 6th June 2003 for further talks on Solomon Islands deteriorating circumstances.

1.3.2. The Solomon Islands delegation included the Minister for Foreign Affairs - Honourable Laurie Chan, MP, the Minister for Police and National Security - Honourable Augustine Taneko, MP, the Chairman of the National Peace Council - Mr. Paul Tovua, and the Commissioner of Police -Mr. William Morrell.

1.3.3. Prime Minister John Howard also had his Ministerial Colleagues with him for the series of meetings that were held with the Solomon Islands delegation. Their team was made up of: the Minister for Foreign of Affairs - Honourable Alexander Downer, MP, the Minister for Justice and Customs - Honourable Chris Ellison, MP, and the Minister for Defence - Honourable Robert Hill, MP.

1.3.4. The Forum Foreign Ministers meeting on 30th June 2003 in Sydney was co-hosted by Australia, New Zealand and Solomon Islands and was facilitated by the Forum Secretariat. The Meeting was attended by all the Forum Member countries including, Australia, Cook Islands, FSM, Fiji, Kiribati, Marshal Islands, New Zealand, Nauru, Niue, Palau, PNG, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. The meeting endorsed a statement in support of the Australian Proposal to Solomon Islands and police led intervention under the Biketawa Declaration.

1.4 Purpose of this Policy Statement Paper.

1.4.1 This Policy Statement presents to Parliament the outcome of this most critical round of constructive consultations for Solomon Islands best hope for the realization and attainment of the restoration of peace and normalcy to a more recognizable and satisfactory degree than has been since the conclusion and implementation of the Townsville Peace Agreement. This policy statement represents the best hope for Solomon Islands in the future.

1.4.2 As will be outlined below, this Paper contains the full text of the package for an Australian proposed framework for strengthened assistance to Solomon Islands. By its nature, and because of the importance of peace before any meaningful development, the Australian proposal necessarily requires Parliamentary endorsement and approval.

2. PRINCIPLES FOR INTERVENTION.

2.1 Sovereignty of Solomon Islands.

2.2.1. To clarify concerns raised by segments of our society regarding the implication of the Australian proposal on the sovereignty of our country, it is important that we briefly look at the principle of sovereignty as well as the concept of intervention especially as they relate to the proposal.

2.1.2 State sovereignty is an assertion of the anti-colonial doctrine of " national self- determination" enshrined in Article 1(2) of the United Nations Charter. Upon attaining political independence, Solomon Islands as a sovereign state acquires three other guarantees:

2.1.3. First, domestic jurisdiction, i.e. no external force can interfere in the internal affairs of a state without the request or the consent of the state concerned. This is the principle of non-intervention as provided in the UN Charter, under Article 2 (7).

2.1.4. Second, non-aggression, i.e. no state has the right of aggression "of breach of the peace" or even of threat to the peace. (Article 39 of the UN Charter).

2.1.5. Third, right of "national self-defense", i.e. Sovereignty sanctifies the inherent right of self defense against any "armed attack.

2.1.6. The guarantee that concerns us or which is relevant to the Australian proposal is the first one, i.e. no external force can interfere in the internal affairs of a state without the request or the consent of the state concerned, in this case, Solomon Islands. The Australian proposal mindful of this important international principle requires Solomon Islands to provide a formal request by the Head of State, acting on the advice of Cabinet to the Australian Government before Australian assistance or intervention can proceed. The proposal also encourages wider political and community support and an enabling legislation to be in place before the proposed intervention. Australia would not proceed with its offer of assistance if Solomon Islands does not accept it.

2.2. Definition of Intervention

2.2.1. It is also necessary that our people understand the concept of intervention. Intervention is interference in the internal affairs of another group or state. It implies an objective, moral purpose and an obligatory action in pursuit of a just cause.

2.2.2. No doubt, priority should be given to the use of peaceful means for conflict resolution. Intervention should be kept as a last resort and intervention can go through various collective measures, the last of which should be the use of force.

2.2.3. An incremental approach is usually followed when it comes to the decision of intervention, in the sense that a gradual approach should be followed. The state concerned should be allowed time to remedy the situation. The Solomon Islands Government had undertaken a number of initiatives to address the country's law and order problem and to rebuild the economy. These efforts while satisfactory, have been insufficient to return the country to normalcy and on the road to sustainable peace.

2.2.4. As an alternative, neighboring states should be encouraged to help and assist upon the request from the State concerned. This is the alternative that the Australian proposal is based on. As stated it is a cooperative effort between Solomon Islands and members of the Pacific Islands Forum led by Australia and New Zealand. This cooperative effort will be undertaken under the auspices of the Biketawa Declaration. The Biketawa Declaration provides for regional responses to Forum Members' request for assistance, including the convening of an ad hoc meeting of Forum Ministers. The Solomon Islands Government supports Australia's efforts to obtain international support and endorsement, including from members of the Pacific islands Forum.

2.3 Nature of Intervention

2.3.1 Norms and criteria for intervention

Military intervention should be taken in a collective manner and be fully compatible with international humanitarian law and the UN Charter, taking into account several factors:

- **Respect for State Sovereignty**

In conformity with Article 2 of the UN Charter, intervention should not seek to undermine the sovereignty, territorial integrity or political independence of any state. The government believes Australia has no such intention and as stated earlier, the effort is a cooperative one between Solomon Islands and members of the Pacific Islands Forum, led by Australia and New Zealand. Above all, the proposed offer is based on an initial request from Prime Minister Sir Allan for assistance to help the Government to restore law and order.

- **Non-selectivity**

  Norms and Criteria of humanitarian intervention should be indiscriminately applied to all cases without double standard or politicization. Decisions of intervention must be in accordance with the country's needs.

- **Proportionality**

  The nature size and duration of intervention should be proportionate to the nature, gravity and development of the crisis. In our case, the Commissioner of Police will play a major role in making the necessary assessment of our situation and requirements in consultation with his Australian and New Zealand counterparts. This assessment is key to determining what sort of police or military assistance Solomon Islands needs.

- **Impartiality**

  Intervention should aim at the protection of all affected civilians without discriminating against certain ethnic groups, sects or minorities. The main target of intervention should be focused on redressing the situation.

- **Targeting**

  Intervention should be accurately targeted to avoid leading to escalation of the crisis or increasing the suffering of civilians. Prior to intervention the objectives and the scope of jurisdiction should be clearly stated. No doubt, changes could occur but a general framework for action is necessary.

2.3.2. The Australian proposal is targeted at addressing the law and order problem and the rebuilding of the Solomon Islands economy. This is the scope and objective of the proposal.

PART II: FRAMEWORK FOR THE PROPOSAL

1. The Australian Framework and Proposal

1.1 The Australian Framework and Proposal are clearly outlined and defined in the official document that was given to the Prime Minister after his meeting with the Australian Prime Minister in Canberra as pointed out in Paragraph 1.1 of PART I above. For transparency and clarity purposes, that document is reproduced here verbatim as follows:

"FRAMEWORK FOR STRENGTHENED ASSISTANCE TO SOLOMON ISLANDS: PROPOSED SCOPE AND REQUIREMENTS

1. SCOPE

Strengthened assistance will address the most serious specific threats to security and economic recovery in Solomon Islands. It should be provided by a cooperative effort between Solomon Islands and other members of the Pacific Islands Forum, led by Australia and New Zealand, engaging donors where possible, and cover both civil order and the economy.

2. Under civil order, the main task will be to re-establish security in Honiara, enabling government, business and the community to operate free of intimidation. Improved security would later be extended beyond Honiara. Key elements will be to:

- in cooperation with the Police Commissioner, reform the Royal Solomon Islands Police (RSIP), introducing expatriate police personnel into line positions, and providing increased resources;

- launch a new effort to locate and confiscate illegal weapons;

- investigate and prosecute new criminal offences vigorously;

- strengthen the courts and prison system; and,

- protect key institutions, such as the finance ministry, courts and their personnel from intimidation.

In this context, Australia would be prepared to consider whether there might be a requirement for expatriate military and police assistance.

3. The first task with the economy will be to stabilize government finances and balance the budget. The key points will be to:

- secure revenue collection and control outlays;

- strengthen administrative safeguards in government financial systems, including by deploying expatriate personnel in key positions; and,

- obtain donor and IFI financial and technical support.

4. The second economy-related task will be to promote longer-term economic recovery and revive business confidence, building on better civil order and the stabilization of government finances. It will be important to pursue economic reform policies to regain credibility with the international donor community, and to rebuild the essential machinery of government to support stability and the delivery of services. Australia will support such efforts and continue its substantial support to health, the peace process and community-level development, and will make every effort to persuade other donors likewise to increase their support. Key points will include:

- implementing economic reform, consistent with the recommendations of the recent economic governance mission;
- focused efforts to deal with corruption;
- downsizing the civil service, cleansing the payroll and stopping extortion; and,
- improved debt management.

II REQUIREMENTS

5. If it is to proceed to provide strengthened assistance as outlined above, Australia will require the Solomon Islands Government to:

- Provide a formal request for assistance from the Governor-General, acting on the advice of the Cabinet;
- Encourage widespread political and community support for such assistance;
- Support Australia's efforts to obtain international support and endorsement, including from members of the Pacific Islands Forum;
- Pass necessary legislation and conclude arrangements to cover the deployment of expatriate personnel;
- Pass legislation and take administrative action necessary to restore security and bring about economic recovery;
- Accept and cooperate with expatriates brought into the RSIP, judiciary, prisons, and other government ministries;
- Cooperate with efforts to achieve disarmament and pursue criminal activity;
- Cooperate with efforts to stabilize government finances, including revenue and expenditure control, civil service downsizing, payroll cleansing and an end to extortion;
- Implement a rigorous economic package;

- Demonstrate its commitment to sustained implementation of sound economic policies, including cooperation with International Financial Institutions; and,

- Support the rebuilding of essential institutions and capacities to support the functioning of government.

CANBERRA, 5 June 2003"

The foregoing constitute the Australian Framework and the Scope and Requirements for the implementation and actualization of the Strengthened Assistance being offered and encouraged for determined consideration by the Government and the Parliament.

2. Solomon Islands Responses and Undertakings

2.1 Responses to the Scope:

2.1.1 The Solomon Islands Cabinet had already approved the Australian proposal in principle. A special task force has also been appointed and mandated to spearhead and coordinate wider consultations on the proposal.

2.1.2 The Solomon Islands Government agrees with the scope of the Australian Framework for Strengthened Assistance to Solomon Islands and that it should be a cooperative effort between Solomon Islands and other members of the Pacific Islands Forum, led by Australia and New Zealand, and engaging donors where possible.

2.1.3 The focus on civil order or restoring law and order is compatible with the current government's priorities and the wishes of the majority of the people in the country. It is desirable that the strengthened assistance under civil order be comprehensive to address the needs of the entire Administration of Justice system. Such assistance should include the following:

- Reform of the Prison Service
- Strengthening of Government legal Offices
- Destroying of illegal weapons that will be collected and confiscated
- Protection of prosecution personnel as well as properties such as the international Airport.

2.1.4 It is prudent that the constitutional and other powers vested in the Commissioner under the Police Act are taken into consideration in command and operational matters.

3. On the economy, the tasks and measures outlined in the Australian Proposal are crucial for rebuilding our economy. It is important that Solomon Islands adopts and implements these measures, in line with the Government's National Recovery Plan 2003 – 2005, including stamping out of corrupt financial practices. Funding support would be required to effectively carry out some of these measures including the downsizing of the civil service and settling of debt arrears. It is also desirable that the strengthened assistance considers the personnel requirements and technical and logistical support for the various divisions of the Ministry of Finance. Furthermore, additional measures to revive the private sector would be necessary.

4. While the Government is fully aware that the focus of the Australian proposal is on civil order and the economy, it is imperative that Australia and New Zealand consider increasing its budgetary support for the Health and Education sectors.

2.2 Undertakings to meet the Requirements.

2.2.1 It is sufficiently clear from the foregoing elaborations on the Solomon Islands Government's responses that we are committed to meeting the requirements of the Australian proposal. To do otherwise will not only be irresponsible but also, and more importantly so, it will be an absolute denial of our people's fundamental rights and freedoms to live and work without intimidation and threats of the use of force by other persons.

2.2.2 As has already been alluded to in Paragraph 1.4.1 of PART I, the proposed strengthened assistance arrangement is the best hope for Solomon Islands in the future. Basically, it is a cooperative effort between Solomon Islands and the Pacific Islands forum members, led by Australia and New Zealand, and engaging donor where possible, and it would cover both civil order and the economy.

2.2.3 The fact that this Policy Statement Paper is brought to Parliament is testimony to the Government's commitment to ensure that we are to abide by the universally acceptable principles of good governance, that is to say: the rule of law, inclusive development, transparency, accountability and fiscal responsibility. We are determined to embark on this new road with this undertaking as the foundation for a useful and fruitful utilization of the assistance being offered.

2.2.4 Individually, the requirements fall within the sectoral programming of the government departments and institutions that have been identified for their specific purposes, particularly, the Departments of Police and National Security, Finance and Treasury, National reform and Planning, Provincial Government and Constituency Development, Health, Education and the Office of the Prime Minister which houses the Public Service Division.

2.3 **Legislative Implications**.

2.3.1 The primary consideration here pertains to the need for the legitimacy of the mechanisms for the implementation of the Strengthened Assistance Program Arrangements. That is, inorder to safeguard the work on activities, in terms of administration and management, all relevant legislations in the country should be taken into account. Beyond this, of course, an enabling legislation is the prerequisite for the implementation of the proposed assistance program arrangements. To this extent, the good governance principles of the rule of law, transparency and accountability are appropriately accommodated and ensured.

2.3.2 It may be prudent to allow time for the surrender of arms. Any consideration of amnesty should be restricted to a link with existing amnesty legislations only. The practical arrangements for this should be discussed with the Attorney General's office, UNDP, NPC, Australian Government and Commissioner of Police.

2.4 Financial Considerations

2.4.1 The proposed strengthened assistance program addresses the management of government finances with a particular resolve to ensure a clear return to the practices that are strictly governed by Chapter X of the Constitution and the Public finance and Audit Act.

2.4.2 Obviously, the Government is clearly unable to meet the financial obligations that are involved in the normal course of implementing the activities under this assistance program. Nonetheless, the costs to be borne from internally raised funds must be measured carefully against the total cost of the program per annum. The message must go out loud and clear that all our people should be required to contribute to saving and serving our nation from ruin and despair. It should be noted, however, that for the purpose of meeting the financial requirements of the program, pursuing our National Economic Recovery Plan must be undertaken with hard work and clear sightedness so that we may get the maximum benefit out of the assistance from our friendly donors community.

PART III: CONCLUSIONS AND RECOMMENDATIONS

1. Conclusions

1.1 The Solomon Islands Cabinet had already accepted in principle the Australian proposed Strengthened Assistance. This Policy Statement attests to the Cabinet decision and its wisdom to avail the opportunity to Parliament for its authority to approve and formalize Solomon Islands desire for assistance to return our people and country to peace and normalcy.

1.2 The proposed Scope and the Requirements as offered by Australia are received and agreed as the best hope for Solomon Islands and our people in the future.

1.3 The success of the implementation of this Assistance Program calls for responsible leadership and loyal, dedicated and unselfish service by all Solomon Islands at all levels of government as well as from all levels of our societal communities.

2. Recommendations

1. That Parliament endorses the request that has been made by the Governor General, acting on the advice of the Cabinet, to the Government of Australia for the implementation of the Strengthened Assistance Proposal at their earliest possible convenience.

2. That Parliament agrees with;

   (a) Solomon Islands Government's acceptance of the Australian Proposal; and

   (b) The enactment of the appropriate enabling legislation to legitimize the arrangements for the implementation

of the Proposal to cover the deployment of expatriate personnel.

3. That Parliament encourages the Secretary General of the Pacific Islands Forum to continue undertaking practical measures to assist Solomon Islands.

4. That Parliament urges the Government, on behalf of the people of Solomon Islands, to express profound gratitude and appreciations to the Government and people of Australia and other members of the Pacific Island Forum for their kind and generous gesture as manifested by the Strengthened Assistance Program and their other on-going assistance programs.

ANNEX 1

PACIFIC ISLANDS FORUM SECRETARIAT

PIFS(03)FFAMM

FORUM FOREIGN AFFAIRS MINISTERS MEETING

30 JUNE 2003

Sydney, Australia

OUTCOME STATEMENT

The Ministers of Foreign Affairs of the Pacific Islands Forum met in Sydney, Australia on 30 June 2003 to discuss a regional response to assist Solomon Islands according to the principles set out in the Biketawa Declaration. The meeting was chaired by the Hon Kaliopate Tavola, Minister for Foreign Affairs and External Trade of Fiji and was attended by the President of Nauru, the Prime Ministers of Cook Islands, Samoa, Tonga, the Premier of Niue and Ministers from Australia Federated States of Micronesia, Kiribati, New Zealand, Palau, Papua New Guinea, Solomon Islands, Tuvalu and Vanuatu. Fiji was represented by its Permanent Secretary of Foreign Affairs and External Trade, and Republic of the Marshall Islands by its Ambassador to Fiji.

2. Ministers noted the earlier consideration by the Forum of the challenges facing Solomon Islands, particularly the work of the 2002 Forum Eminent Persons' Group and the close personal involvement by the Secretary-General in Secretariat programs to assist Solomon Islands.

3. Ministers received a formal presentation from the Hon. Laurie Chan, Minister for Foreign Affairs, Solomon Islands, on the current situation in Solomon Islands and the need for external assistance to address law and order problems in Solomon Islands. The meeting also received a report from the Australian and New Zealand Foreign Ministers on the findings of the scooping mission undertaken by officials from both countries to Solomon Islands in June 2003, and on the assistance both countries were seeking to provide at the request of Solomon Islands.

4. Ministers agreed that the problems facing Solomon Islands were very serious. The deterioration of law and order had undermined the stability of the country. It had contributed significantly to the economic decline of Solomon Islands in recent years and had greatly weakened many of the country's important institutions.

5. Ministers agreed that the extent of the problems facing Solomon Islands now called for a concerted regional response, as envisaged in the Biketawa Declaration. In this respect, Ministers noted that the Solomon Islands Prime Minister, Sir Allan Kemakeza, had formally approached Australia in April 2003

outlining the challenges facing his country and seeking urgent assistance, and that he had discussed these issues with the Australian Prime Minister.

6. Ministers indicated overwhelming support for the provision of assistance to Solomon Islands and noted that the majority of Forum members had indicated a willingness to assist the Solomon Islands Government. In particular, they noted that Australia had indicated that if formally requested by Solomon Islands it would be disposed to respond positively to such a request in concert with New Zealand and other Forum members.

7. Ministers welcomed the assistance package proposed by Australia. In particular, they noted its comprehensive nature, encompassing law and order, the justice and prison systems, rebuilding Solomon Islands institutions and establishing conditions under which Solomon Islands can achieve social and economic recovery. Ministers agreed that Forum members willing to contribute to such a package would coordinate their assistance through a taskforce.

8. Ministers agreed that the envisaged restoration of law and order in Solomon Islands would be essentially a policing operation, and that police from Forum members would provide the capabilities needed by the Solomon Islands Government to implement Solomon Islands laws according to the Solomon Islands' Constitution. Police would be supported, as required by armed peace-keepers.

9. Ministers agreed that an essential condition for the provision of a program of strengthened assistance by Forum members would be a clear, formal request from the Solomon Islands Government, and the passage of legislation through the Solomon Islands Parliament allowing police and, as necessary, armed peace-keepers from Forum members to support the Royal Solomon Islands Police in the performance of its duties.

10. Ministers endorsed the provision of a package of strengthened assistance to Solomon Islands, including a policing operation to restore law and order, supported, as required by armed peace-keepers, and a program of assistance to strengthen the justice system and restore the economy and basic services. They agreed also to recommend that Forum Leaders endorse the package.

Forum Secretariat, Sydney
30 June 2003

ANNEX 2

"BIKETAWA" DECLARATION

Forum Leaders recalled their 1995 Vision Statement, the Forum Economic Action Plan *Eight Principles of Good Governance* andthe 1997 Aitutaki Declaration. With the aim of elaborating upon these earlier statements and in the interests of regional cooperation, Forum Leaders while respecting the principle of non-interference in the domestic affairs of another member state committed themselves and their countries to a number of guiding principles and courses of actions:

(i) Commitment to good governance which is the exercise of authority (leadership) and interactions in a manner that is open, transparent, accountable, participatory, consultative and decisive but fair and equitable.

(ii) Belief in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief and in the individual's inalienable right to participate by means of free and democratic political process in framing the society in which he or she lives.

(iii) Upholding democratic processes and institutions which reflect national and local circumstances, including the peaceful transfer of power, the rule of law and the independence of the judiciary, just and honest government.

(iv) Recognising the importance and urgency of equitable economic, social and cultural development to satisfy the basic needs and aspirations of the peoples of the Forum.

(v) Recognising the importance of respecting and protecting indigenous rightsand cultural values, traditions and customs.

(vi) Recognising the vulnerability of member countries to threats to their security, broadly defined, and the importance of cooperation among members in dealing with such threats when they arise.

(vii) Recognising the importance of averting the causes of conflict and of reducing, containing and resolving all conflicts by peaceful means including by customary practices.

2. Forum Leaders recognised the need in time of crisis or in response to members' request for assistance, for action to be taken on the basis of all members of the Forum being part of the Pacific Islands extended family. The Forum must constructively address difficult and sensitive issues including underlying causes of tensions and conflict (ethnic tension, socio-economic disparities, and lack of good governance, land disputes and erosion of cultural values). To this end, the Secretary General in the future after consulting the Forum Chairman should urgently initiate the following process:

(i) Assess the situation, make a judgment as to the significance of the developments and consult the Forum Chair and such other Forum Leaders as may be feasible to secure approval to initiate further action;

(ii) Consult the national authorities concerned regarding assistance available from the Forum; and

(iii) Advise and consult with the Forum Foreign Ministers, and based on these consultations, undertake one or a combination of the following actions to assist in the resolution of the crisis:

(a) A statement representing the view of members on the situation;

(b) Creation of a Ministerial Action Group;

(c) A fact finding or similar mission;

(d) Convening an eminent persons group;

(e) Third party mediation;

(f) Support for appropriate institutions or mechanisms that would assist a resolution; and

(g) The convening of a special high level meeting of the Forum Regional Security Committee or an ad hoc meeting of Forum Ministers.

(iv) If after actions taken under (iii) the crisis persists, convene a special meeting of Forum Leaders to consider other options including if necessary targeted measures.

Any regional response to a crisis should take account of the guidelines set out in Annex A.

Biketawa, Kiribati

28 October 2000

Annex

(i) Actions are **discussed** with the authorities in the country concerned;

(ii) The Forum and persons involved on behalf of the Forum should have **credibility** i.e. must be seen as honest and impartial brokers who are genuinely interested in bringing about a fair resolution;

(iii) There must be **coherence** and **consistency** in the strategy followed;

(iv) There must be **continuity** and **conclusion** of the process i.e. staying the course;

(v) There must be **cooperation** with other key international and regional organisations and national actors and coordination of all these efforts;

(vi) There must be a sufficient degree of **consensus** on the resolutions by those who have to implement them i.e. local players and supporters and those that support them (i.e. outside organisations and governments); and

(vii) The intervention must be **cost-effective**.

Annex II

THE FACILITATION OF INTERNATIONAL ASSISTANCE ACT 2003

(NO. 1 OF 2003)

Passed by the National Parliament this Seventeenth day of July 2003

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill

Taeasi Sanga (Mrs)
Clerk to Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty first day of July 2003.

Rev. John Ini Lapli
Governor General

Date of commencement: See Section 1

AN ACT TO MAKE PROVISIONS FOR THE REQUESTING OF INTERNATIONAL ASSISTANCE FOR THE RESTORATION OF LAW AND ORDER IN SOLOMON ISLANDS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the National Parliament of Solomon Islands.

THE FACILITATION OF INTERNATIONAL ASSISTANCE ACT 2003

(NO. 1 OF 2003)

ARRANGEMENT OF SECTIONS

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25. EVIDENTIARY RULES

[illegible]

1. This Act may be cited as the Facilitation of International Assistance Act 2003, and shall come into operation on assent.

[illegible]

2. In this Act, unless the context otherwise requires –

"assistance agreement" means the assistance agreement identified in the international assistance notice under section (3(2);

"assisting country" means the assisting country identified in the international assistance notice under section 3(1)(a);

"international assistance notice" means the notice under section 3(1) that causes this Act to apply, as may be amended from time to time;

"public purpose" means the purposes of ensuring the security and safety of persons and property, maintaining supplies and services essential to the life of the community preventing and suppressing violence, intimidation and crime, maintaining law and order, supporting the administration of justice, supporting and developing Solomon Islands institutions and responding to natural catastrophic events; and

"visiting contingent" means the visiting contingent identified in the international assistance notice under section 3(1)(b).

[illegible]

3. (1) The Governor-General may publish a notice that –

(a) states that the Government has requested assistance of the government of another country (the "assisting country") for a public purpose;

(b) states that the assistance will be provided by a contingent of persons (the "visiting contingent") from the assisting country or another country; and

(c) states that, because of subsection (3), this Act applies in relation to the visiting contingent.

(2) The notice may specify an agreement or arrangement between the Government and the government of the assisting country that covers the operations and activities

in Solomon Islands of the visiting contingent (the "assistance agreement").

(3) The provisions of this Act apply on the making of a notice under subsection (1).

Membership of visiting contingent

4. (1) The visiting contingent shall consist of –

(a) members of the police forces or armed forces of the assisting country, or of another country notified by the assisting country to the Ministry responsible for foreign affairs and accepted by the Ministry; and

(b) other individuals notified by the assisting country to the Ministry responsible for foreign affairs.

(2) If the assisting country notifies the Ministry responsible for foreign affairs that specified members of the visiting contingent are not to be accorded specified powers or privileges under this Act, those members may not exercise those powers or privileges.

Area of application of Act

5. This Act applies to the territory of the Solomon Islands all areas where it exercises maritime jurisdiction, and the superjacent airspace.

PART II
POWERS AND PRIVILEGES OF VISITING CONTINGENT

Powers and privileges may be varied

6. The regulations may limit, vary or add to the powers and privileges set out in this Part, but not so as to limit the effect of sections 7, 15, 16, 17 and 19.

Use of force and police powers Cap. 116

7. (1) Armed forces and police members of the visiting contingent may exercise any powers that may be exercised by police officers appointed under the Police Act.

(2) In addition to the powers under subsection (1), armed forces and police members of the visiting contingent may use such force as is reasonably necessary to achieve a public purpose.

8

Eligibility for appointment to the Police Force

8. (1) A member of the visiting contingent shall be deemed to be eligible for appointment to any office in the Police Force (but the exercise by a member of powers under section 7 does not depend on such an appointment).

(2) Section 11 of the Police Act shall not apply to any person appointed to an office in the Police Force by reason of this section.

Carriage of weapons by the visiting contingent

9 Members of the visiting contingent may possess, carry and use arms in accordance with their internal orders or rules inorder to –

(a) protect themselves or the visiting contingent; or
(b) protect other persons; or
(c) protect property of the visiting contingent; or
(d) protect public or private property; or
(e) achieve a public purpose.

Seizure and destruction of weapons

10. (1) The visiting contingent may seize any weapons, as necessary for the achievement of a public purpose.

(2) The visiting contingent may, with the permission in writing of the Solomon Islands Commissioner of Police, destroy seized weapons.

(3) The visiting contingent shall, as far as practicable, record particulars of weapons seized or destroyed, including serial numbers (if applicable) and the dates and places of seizures or destruction, and the particulars of the persons from whom they were seized.

(4) In considering whether to give permission under subsection (2), the Commissioner shall take into account whether it is likely that the weapons will be required for production as evidence in ongoing criminal investigation or civil matters.

Freedom of movement

11 (1) Members of the visiting contingent, together with service vehicles, vessels, aircraft and equipment, shall enjoy freedom of movement throughout the area to which this Act applies.

(2) The visiting contingent may use roads, bridges, canals and other waters, port and airfield facilities without payment of dues.

tolls or any other charges or fees.

(3) Members of the visiting contingent may operate vehicles, vessels, aircraft and other equipment without a permit or licence.

(4) Vehicles, vessels, aircraft or other equipment provided and used by the visiting contingent shall not be subject to registration and licensing laws.

Accommodation and use of public utilities

12. (1) Members of the visiting contingent may use such premises, including facilities, as may be necessary for their accommodation while engaged in fulfilling a public purpose free of charge, unless otherwise negotiated.

(2) Members of the visiting contingent may use water, electricity and other public utilities free of charge, unless otherwise negotiated.

(3) The visiting contingent may generate, transmit and distribute electricity for its own use without being subject to regulation or licensing requirement and free of charge.

Wearing of national uniforms

13. Members of the visiting contingent may wear their national uniforms when on official duty.

Medical staff

14. Members of the visiting contingent who are medical, nursing or paramedic staff may treat members of the visiting contingent and other persons without being subject to regulation or licensing requirements.

Entry, departure and taxation

15. (1) Members of the visiting contingent shall be exempt from any visa laws and immigration inspection and restrictions when entering or departing from Solomon Islands.

(2) Members of the visiting contingent shall be exempted from departure tax.

(3) The visiting contingent may import into Solomon Islands without licence or other restriction or registration and free of customs, duties and taxes or any other charge that may be sought to

be levied, equipment (including vehicles and weapons) and other supplies required for a public purpose, together with personal effects of and items for the support of members of the visiting contingent.

(4) Any material belonging to an individual member of the visiting contingent that is imported under this section and later sold in Solomon Islands to a person other than those entitled to tax-free privileges shall be subject to customs and other duties at the time of its sale.

(5) Any material imported under this section may be re-exported without licence or other restriction or registration and free of customs, duties and taxes or any other charge that may be sought to be levied.

Taxation

16. Members of the visiting contingent shall be exempt from direct taxes, including income tax and death duties, and all other fees and charges.

Immunity from legal proceedings

17. (1) Members of the visiting contingent, the assisting country, and any other country whose personnel are members of the visiting contingent, shall have immunity from legal proceedings in Solomon Islands courts and tribunals in relation to actions of the visiting contingent or its members that are taken in the course of, or are incidental to, official duties.

(2) Criminal and disciplinary jurisdiction shall not be exercised over a member of the visiting contingent arising out of an action taking place in Solomon Islands if such jurisdiction is asserted over that member in respect of that action by a country referred to in section 3(1)(b).

(3) Where criminal and disciplinary jurisdiction has been exercised over a member of the visiting contingent arising out of an action taking place in Solomon Islands, that jurisdiction will be relinquished to a country referred to in section 3(1)(b) if that country asserts jurisdiction over that member in respect of that action.

(4) In this section, "legal proceedings" include criminal, civil, disciplinary and administrative proceedings, and proceedings seeking to enforce customary law.

(5) For this section, the Minister responsible for justice shall be deemed to have directed the Director for Public Prosecutions that he is to initiate no action with respect to members of the visiting contingent for actions referred to in subsections (1) and (2), unless the assisting country has expressly consented to the exercise of such jurisdiction.

(6) The assisting country may waive immunity granted by this section.

Deceased members of the visiting contingent

18. The visiting contingent may take charge of and repatriate the body of a member of the visiting contingent who dies in Solomon Islands.

Command and control of visiting Contingent

19. While respecting the laws of Solomon Islands, the visiting contingent shall have sole responsibility for the internal command, control, discipline and administration of the personnel of the visiting contingent.

PART III
CONTROL OF WEAPONS

Controlled weapons area

20. (1) The Governor-General may publish a notice that –

(a) declares an area in the territory of Solomon Islands to be controlled weapons area;

(b) states that members of the visiting contingent are permitted to carry weapons in the area;

(c) specifies other persons who are permitted to carry weapons in the area; and

(d) prohibits all other persons from carrying weapons in the area.

(2) A person who carries a weapon in a controlled weapons area while prohibited from doing so by a notice under subsection (1) shall be guilty of an offence and liable to a fine of $25,000 or imprisonment for 10 years, or both.

Weapons surrender area

21. (1) The Governor-General may publish a notice that –

(a) declares an area in the territory of Solomon Islands to be a weapons surrender area;

(b) states that members of the visiting contingent are permitted to possess weapons in the area;

(c) specifies other persons who are permitted to possess weapons in the area; and

(d) prohibits all other persons from possessing weapons in the area.

(2) A person who –

(a) is prohibited from possessing a weapon by a declaration under subsection (1); and

(b) is in, comes into, possession of a weapon; and

(c) fails to give the weapon, as soon as practicable, to a member of the visiting contingent shall be guilty of an offence and liable to a fine of $25,000 or imprisonment for 10 years, or both.

PART IV
MISCELLANEOUS

Regulations

22. (1) The Governor-General may make regulations providing for any matter which is necessary or convenient to give effect to this Act.

(2) Without limiting subsection (1) or section 6 the regulations may do the following –

(a) provide for the implementation of the assistance agreement, or of any other agreement or arrangement between the Government and the government of the assisting country that deals with the visiting contingent;

(b) authorise specified members of the visiting contingent in addition to those authorized by subsection 7(1) to exercise any powers that may be exercised by police officers appointed under the Police Act;

(c) provide that members of the visiting contingent may exercise powers, or perform functions, that can be exercised under a specified law or by suitably qualified or authorised persons; and

(d) provide that a specified law does not apply to members of the visiting contingent.

(3) In subsection (2), a reference to a law includes a reference to a provision of a law.

Review of international assistance notice

23. (1) The Parliament shall be given the opportunity to review the international assistance notice every 1 year in accordance with this section.

(2) For this section, the review dates of the international assistance notice are the following –

(a) the day 1 year after the day on which the notice was published; and

(b) the day each 1 year after that day.

(3) The international assistance notice, as currently amended, shall be laid before Parliament within the period of 3 months that ends on a review date, unless it is revoked earlier.

(4) If Parliament passes a resolution within 3 months after the review date, to the effect that the international assistance notice is annulled, the notice ceases to have effect from 21 days after the date of the resolution, but without affecting the validity of anything previously done under this Act because of the notice.

Act to have effect notwithstanding other legislation

24. (1) Subject to the Constitution, this Act and any regulations or other subsidiary legislation made under this Act shall have effect notwithstanding any other law of Solomon Islands.

(2) An Act enacted after the commencement of this Act is not to be interpreted as –

(a) amending or repealing, or otherwise altering the effect or operation of, this Act or subsidiary legislation made under this Act; or

(b) authorising the making of subsidiary legislation amending or repealing, or otherwise altering the effect or operation of, a provision of this Act or of the subsidiary legislation made under it.

(3) Subsection (2) does not affect the interpretation of an Act so far as that Act expressly provides for that Act, or subsidiary legislation made under that Act, to have effect despite this Act or despite subsidiary legislation made under this Act.

Evidentiary value

25. Every document purporting to be a regulation, order, rule, licence, permit, certificate, direction, authority or other document made, granted or issued by the Governor-General or any other authority or person under this Act or any subsidiary legislation authorised under this Act, and purporting to be signed by or on behalf of the Governor-General or that other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Governor-General or that authority or person.

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Annex III

AGREEMENT BETWEEN SOLOMON ISLANDS, AUSTRALIA, NEW ZEALAND, FIJI, PAPUA NEW GUINEA, SAMOA, AND TONGA CONCERNING THE OPERATIONS AND STATUS OF THE POLICE AND ARMED FORCES AND OTHER PERSONNEL DEPLOYED TO SOLOMON ISLANDS TO ASSIST IN THE RESTORATION OF LAW AND ORDER AND SECURITY

SOLOMON ISLANDS, AUSTRALIA, NEW ZEALAND, FIJI, PAPUA NEW GUINEA, SAMOA, AND TONGA

RECOGNISING the need for cooperation between members of the Pacific Islands Forum;

NOTING that deteriorating law and order and security in Solomon Islands poses a threat to good governance and economic prosperity of Solomon Islands;

NOTING FURTHER the requests for assistance in restoring law and order and security dated 4 July 2003 from the Governor-General of Solomon Islands acting on the advice of the Cabinet of Solomon Islands;

NOTING FURTHER the endorsement of the Ministers of Foreign Affairs of the Pacific Islands Forum on 30 June 2003, pursuant to the Biketawa Declaration, of the provision of a package of strengthened assistance to Solomon Islands, including a policing operation to restore law and order, supported as required by armed peace-keepers, and a program of assistance to strengthen the justice system and restore the economy and basic services,

ACKNOWLEDGING the need to assist the effective functioning of government, the restoration of confidence in law and order, and the economic recovery of Solomon Islands; and

NOTING FURTHER the desirability of establishing the agreed basis for the operations and status of police and armed forces and other personnel deployed to Solomon Islands;

HAVE AGREED as follows:

Article 1
Definitions

(a) "Area of Operations" means the territory of Solomon Islands, all areas where it exercises maritime jurisdiction, and the superjacent airspace.

(b) "Assisting Country" means Australia, New Zealand, Fiji, Papua New Guinea, Samoa, Tonga or such other State which, with the concurrence of the Parties to this Agreement, contributes personnel to the Visiting Contingent.

(c) "Participating Police Force" means police force and associated personnel of Australia, New Zealand, Fiji, Papua New Guinea, Samoa, Tonga and such

other State which, with the concurrence of the Parties to this Agreement, contributes such personnel to the Visiting Contingent.

(d) "Participating Armed Forces" means armed forces and associated personnel of Australia, New Zealand, Fiji, Papua New Guinea, Samoa, Tonga and such other State which, with the concurrence of the Parties to this Agreement, contributes such personnel to the Visiting Contingent.

(e) "Visiting Contingent" means a contingent of persons that consists of the Participating Police Force and the Participating Armed Forces and other personnel of the Assisting Countries or of other countries where those other personnel are notified to the ministry of the Government of Solomon Islands responsible for foreign affairs.

Article 2
Security Assistance

The Assisting Countries may deploy a Visiting Contingent of police forces, armed forces and other personnel to Solomon Islands to assist in the provision of security and safety to persons and property; maintain supplies and services essential to the life of the Solomon Islands community; prevent and suppress violence, intimidation and crime; support and develop Solomon Islands institutions; and generally to assist in the maintenance of law and order in Solomon Islands.

Article 3
Duration of Assistance

1. The Visiting Contingent may provide assistance as specified in Article 2 of this Agreement for such period as the Governments of Solomon Islands and the Assisting Countries mutually agree to be necessary to achieve the purpose of their deployment to the Area of Operations.

2. The Assisting Countries may at any time withdraw any or all of their members of the Visiting Contingent from the Area of Operations. A significant withdrawal of members of the Visiting Contingent, other than for the purpose of rotation, will only take place after consultation with the Government of Solomon Islands.

3. The Government of Solomon Islands may at any time in writing request withdrawal of the Visiting Contingent from the Area of Operations. On receipt of such written notice, the Visiting Contingent shall withdraw prior to the expiration of 3 months from the date of receipt of that notice.

Article 4
Command and Control of the Visiting Contingent

1. The head of the Visiting Contingent shall be a person nominated by the Government of Australia, in consultation with the Government of Solomon Islands. The head of the Visiting Contingent shall have responsibility, subject to any arrangements between Assisting Countries, for leading and managing the Visiting Contingent, and for related liaising with the Government of Solomon Islands and Assisting Countries.

2. While respecting the laws of Solomon Islands, the Visiting Contingent shall have sole responsibility for the internal command, control, discipline and administration of members of the Visiting Contingent.

3. The head of the Visiting Contingent may request an Assisting Country to withdraw any personnel contributed to the Visiting Contingent. The head of the Visiting Contingent shall give reasons for any such request and an Assisting Country shall comply forthwith with any such request.

Article 5
Status of Participating Police Force

1. The most senior Australian Police Officer of the Participating Police Force, shall be the head of the Participating Police Force, with responsibility for control of that Force. In exercising that control, the head of the Participating Police Force shall consult with the head of the Visiting Contingent.

2. The head of the Participating Police Force shall be appointed a Deputy Commissioner of the Solomon Islands Police Force. Other members of the Participating Police Force may be appointed to the Solomon Islands Police Force.

3. Members of the Participating Police Force appointed to the Solomon Islands Police Force shall not be required to make an oath or affirmation of allegiance.

4. (a) Members of the Participating Police Force are subject only to the orders of, and instructions from:

   i) the head of the Participating Police Force; and
   ii) where appointed to the Solomon Islands Police Force, the Commissioner of the Solomon Islands Police Force, in consultation with the head of the Participating Police Force

   (b) Subject to subparagraph (a)(ii), members of the Participating Police Force shall not be subject to the orders of or instructions from any other member of the Solomon Islands Police Force.

5. The Participating Police Force shall work co-operatively with the Government of Solomon Islands and its authorities, and consult with the Commissioner of the Solomon Islands Police Force, to achieve the purposes set out in Article 2.

6. Any tasks or orders carried out by members of the Participating Police Force shall be consistent with the laws, procedures and standards of conduct applicable to them in their own country.

7. The Participating Police Force shall not be subject to any regulations concerning the administration or discipline of the Solomon Islands Police Force, or to the jurisdiction of any Solomon Islands disciplinary authority, court or tribunal.

8. A member of the Participating Police Force shall exercise the powers, authorities and privileges exercised by members of the Solomon Islands Police Force, irrespective of whether that member has been appointed pursuant to paragraph 7.

9. In addition to the powers and authorities referred to in paragraph 8, the Participating Police Force may use such force as is reasonably necessary to achieve the purposes set out in Article 2.

10. Upon request made by a Police Commissioner of a country contributing personnel to the Participating Police Force, the application or implementation of this Article shall be the subject of consultations between the relevant Police Commissioners.

Article 6
Status of Participating Armed Forces

1. The most senior Australian Defence Force member of the Participating Armed Forces shall be the commander of those armed forces, with responsibility for the control of those Forces. In exercising that control, the commander shall consult with the head of the Visiting Contingent.

2. During the period of their assignment to the Visiting Contingent, members of the Participating Armed Forces shall remain under national command. Additional arrangements for command of members of the Participating Armed Forces may be made between the Assisting Countries separately.

3. The Participating Armed Forces shall work co-operatively with the Government of Solomon Islands and its authorities to achieve the purposes set out in Article 2.

4. Members of the Participating Armed Forces shall exercise the powers, authorities and privileges exercised by members of the Solomon Islands Police Force.

5. In addition to the powers and authorities referred to in paragraph 4, the Participating Armed Forces may use such force as is reasonably necessary to achieve the purposes set out in Article 2.

6. Upon request made by the national military commander of a country contributing personnel to the Participating Armed Forces, the application and implementation of this Article shall be the subject of consultations between the relevant national military commanders.

Article 7
Uniform and Carriage of Weapons

1. Members of the Visiting Contingent may wear their respective national uniform when on official duty in Solomon Islands.

2. Members of the Visiting Contingent may possess, carry and use arms in accordance with their internal orders or rules in order to protect themselves or the Visiting Contingent, other persons, property of the Visiting Contingent, public or private property, or to achieve any of the purposes set out in Article 2.

Article 8
Detention and Disarmament

1. Members of the Participating Armed Forces and Participating Police Force and other members of the Visiting Contingent appointed to the Solomon Islands Police Force may detain and disarm any person or persons who are committing or attempting to commit offences in relation to person or property. The detention and disarmament will be for fulfilment of the purposes set out in Article 2. Persons detained and disarmed shall be delivered to the appropriate authorities for the purpose of dealing with any such offence.

2. Members of the Participating Armed Forces, Participating Police Force and other members of the Visiting Contingent appointed to the Solomon Islands Police Force may take into custody any person they detain or disarm or who is not authorised to be on the premises of the Visiting Contingent provided in Article 17 in order to deliver him or her to the appropriate authorities.

Article 9
Seizure and Destruction of Weapons

1. The Visiting Contingent may seize any weapons and ammunition as necessary for the achievement of the purposes set out in Article 2.

2. The Visiting Contingent may, with the permission in writing of the Commissioner of the Solomon Islands Police Force, destroy such seized weapons and ammunition.

3. The Visiting Contingent shall, as far as is practicable, record particulars of weapons and ammunition, seized or destroyed, including serial numbers (if applicable) and the dates and places of seizure or destruction, and the particulars of the persons from which they were seized.

Article 10
Jurisdiction

1. The Visiting Contingent shall take all appropriate measures to ensure that the laws and regulations of Solomon Islands are observed and respected.

2. Members of the Visiting Contingent and the Assisting Countries shall have immunity from legal proceedings in Solomon Islands courts and tribunals in relation to actions of the Visiting Contingent or its members that are taken in the course of, or are incidental to, official duties. Legal proceedings for the purpose of this paragraph include criminal, civil, disciplinary and administrative proceedings, and proceedings seeking to enforce customary law.

3. Criminal and disciplinary jurisdiction shall not be exercised over a member of the Visiting Contingent arising out of an action taking place in Solomon Islands if such jurisdiction is asserted over that member in respect of that action by an Assisting Country.

4. Where criminal and disciplinary jurisdiction has been exercised over a member of the Visiting Contingent arising out of an action taking place in Solomon Islands, that jurisdiction will be relinquished to an Assisting Country if that country asserts jurisdiction over that member in respect of that action.

5. Where an Assisting Country asserts the jurisdiction referred to in paragraphs 3 and 4 over a member of the Visiting Contingent, that Assisting Country shall ensure that appropriate action is taken against that member consistent with its laws and practices.

6. An Assisting Country may waive immunity granted by paragraph 2 to that country or its personnel.

7. Where an Assisting Country waives the criminal or civil immunity of any of its personnel as provided in paragraph 2 or an Assisting Country asserts the jurisdiction referred to in paragraphs 3 and 4, the Assisting Country and Solomon Islands authorities shall assist each other in carrying out all necessary investigations into any offences alleged to have been committed by that member. Such investigations shall include the collection and production of evidence in relation to any alleged offence or offences committed by the member.

8. When so requested by head of the Visiting Contingent, the Solomon Islands authorities may take into custody any member of the Visiting Contingent, without subjecting them to any routine of arrest, in order immediately to

deliver them, together with any items seized, to the nearest appropriate authorities of the Visiting Contingent.

9. The Government of Solomon Islands, on receipt of a request from an Assisting Country, shall assist that country in relation to any criminal or internal disciplinary proceedings against a member of the Visiting Contingent.

Article 11
Discipline

Each Assisting Country shall take all appropriate measures to ensure the maintenance of discipline and good order among its members of the Visiting Contingent.

Article 12
Obligations under International Law

In giving effect to this Agreement, the Parties shall act in a manner consistent with their obligations under international law.

Article 13
Claims

1. Claims involving the Visiting Contingent arising in the Area of Operations shall be dealt with in accordance with this Article.

2. Each Party waives any claim against any of the other Parties in respect of:

   (a) loss of, or damage (including loss of use) to, property owned, hired or chartered by a Party and used by the Visiting Contingent;
   (b) maritime salvage of any vessel or cargo owned by a Party and used by the Visiting Contingent; and
   (c) personal injury or death suffered by any member of the Visiting Contingent

   which arises out of any act or omission of any member of the Visiting Contingent in the performance of official duties.

3. Solomon Islands waives any claims against any of the other Parties in respect of loss of, or damage to, any of its state property and the personal injury or death suffered by any person employed by or in the service of the Government of Solomon Islands.

4. The Parties shall consult on claims not otherwise covered by this Article.

Article 14
Entry and Departure

1. Solomon Islands authorities shall facilitate the entry into, and departure from, Solomon Islands of the Visiting Contingent. Members of the Visiting Contingent shall be exempt from visa laws and orders and immigration inspection and restrictions on entering into or departing from Solomon Islands. Members of Participating Armed Forces may enter into, and exit from, Solomon Islands on presentation of military identification issued by the relevant Participating Armed Forces. The Government of Solomon Islands shall grant all members of the Visiting Contingent exemption from departure tax.

2. Members of the Visiting Contingent shall be exempt from any laws and orders governing the residence of aliens in Solomon Islands, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Solomon Islands.

3. The Visiting Contingent may import into and export from Solomon Islands without licence, other restriction or registration and free of customs, duties and taxes, and inspection, any equipment (including vehicles, vessels and aircraft) and other supplies required by them for the purpose of their operations, together with personal effects of, and items for the personal consumption or use by, members of the Visiting Contingent. Any personal property imported duty free which is sold in Solomon Islands by members of the Visiting Contingent to persons other than those entitled to duty-free import privileges shall be subject to customs and other duties on its value at the time of sale.

Article 15
Freedom of Movement

Members of the Visiting Contingent together with service vehicles, vessels, aircraft, equipment and supplies shall enjoy freedom of movement throughout Solomon Islands.

Article 16
Transport and Financial Arrangements

1. The Visiting Contingent shall have the unimpeded right to the use of roads, bridges, canals and other waters, port and airfield facilities and airspace without payment of dues, tolls or other charges or fees throughout the area of operations.

2. Members of the Visiting Contingent may possess, store and operate vehicles, vessels, aircraft and other equipment, including medical equipment and supplies, without a permit or licence or restriction and free of duties, taxes and charges.

3. Vehicles, vessels, aircraft and other equipment, including medical equipment and supplies, provided and used by members of the Visiting Contingent shall not be subject to registration or licensing under the laws and regulations or orders of Solomon Islands.

4. The Assisting Countries shall be responsible for the salary, allowances, removal expenses, costs of transport to Solomon Islands, and medical and dental expenses of members of the Visiting Contingent.

5. Remittances between the Assisting Countries and Solomon Islands shall be freely allowed for:

   a) funds derived by members of the Visiting Contingent;

   b) funds derived by members of the Visiting Contingent from sources outside Solomon Islands, subject to any relevant laws, regulations or policies of the Assisting Countries;

   c) funds derived from the proceeds of sales of personal effects or other property used by members of the Visiting Contingent while serving in Solomon Islands which are disposed of in connection with their departure from Solomon Islands.

6. Members of the Visiting Contingent shall be exempt from taxation by the Government of Solomon Islands on their pay and other emoluments. They shall also be exempt from any other direct taxes (including death duties), fees and charges.

7. The Visiting Contingent may purchase locally produced goods and commodities that it requires in fulfilment of the purposes of Article 2 free of duties, taxes and charges.

Article 17
Accommodation and Facilities

1. The Visiting Contingent shall establish such areas for headquarters, camps, training areas, or other premises as may be necessary for the accommodation and to achieve the purposes set out in Article 2. Without prejudice to the fact that all such premises remain Solomon Islands territory, they will be inviolable and subject to the exclusive control and authority of the Visiting Contingent. The consent of the head of the Visiting Contingent shall be required for the entry into such premises by any person.

2. Subject to paragraph 3, the Assisting Countries shall cover the personal accommodation and transport costs of members of the Visiting Contingent.

3. Unless otherwise negotiated, the Government of Solomon Islands shall provide for members of the Visiting Contingent, free of charge, such premises

(including facilities and administrative support) as may be necessary for the accommodation and the fulfilment of the functions of the Visiting Contingent.

4. Unless otherwise negotiated, the Visiting Contingent shall have the right to the use of water, electricity and other public utilities free of charge.

5. The Visiting Contingent may generate, transmit and distribute electricity for its own use free of charge and without being subject to regulation or licensing requirements.

6. Where members of the Visiting Contingent are required to use vehicles, vessels, aircraft, or other equipment of the Government of Solomon Islands, in carrying out their duties, the use of those vehicles, vessels, aircraft and equipment shall be provided free of charge.

Article 18
Communications and Postal Services

1. The Visiting Contingent shall have the authority to install and operate radio and satellite sending and receiving stations to make direct contact with the Assisting Countries.

2. The Visiting Contingent shall enjoy the right of unrestricted communications by radio, television, telephone or any other means and of establishing the necessary facilities for maintaining such communications within and between premises of the Visiting Contingent, including the laying of cables and land lines and the establishment of fixed and mobile radio and satellite sending and receiving stations.

3. The Visiting Contingent may process and transport mail addressed to or sent from the Visiting Contingent or members of the Visiting Contingent. Solomon Islands shall not interfere with the mail of the Visiting Contingent.

Article 19
Health and Safety

1. Members of the Visiting Contingent who are medical, nursing or paramedic staff may treat members of the Visiting Contingent and other persons, including residents of Solomon Islands, as required without being subject to registration or licensing under the laws and regulations or orders of Solomon Islands.

2. The Government of Solomon Islands shall provide all practicable assistance to members of the Visiting Contingent in relation to health and safety issues that may arise.

3. The Visiting Contingent may take charge of, and repatriate, the body of a member of the Visiting Contingent who has died in Solomon Islands.

Article 20
Additional Matters

Any matter not covered by this Agreement shall be the subject of mutually acceptable arrangements made from time to time between the Parties.

Article 21
Supplemental Arrangements

Supplemental details for the carrying out of this Agreement shall be made as required between the Government of Solomon Islands and the Governments of the Assisting Countries.

Article 22
Consultations

Any matter arising under this Agreement with respect to its interpretation, application or implementation shall be settled by consultation or negotiation between the Parties and shall not be referred to any third party or tribunal for resolution.

Article 23
Variation and suspension

The Parties may agree to a variation or suspension of this Agreement or a part or parts thereof.

Article 24
Entry into Force and Duration

1. This Agreement shall be open for signature by Solomon Islands and the Assisting Countries.

2. Each Signatory shall notify the other in writing of the completion of the constitutional formalities by its laws for the entry into force of this Agreement. This Agreement shall enter into force on the date of the later of the two notifications by Solomon Islands, on one part, and any one of the Assisting Countries, on the other. The Agreement shall enter into force subsequently for each other Party on the date of notification by that Party.

3. Unless otherwise mutually agreed by the Parties, this Agreement shall expire on the complete withdrawal of the Visiting Contingent from the Area of Operations.

4. Expiry of this Agreement shall not affect any liabilities, rights and obligations arising out of the Agreement, and any immunity relating to actions taking place during the period of the Agreement.

5. This Agreement shall prevail over any existing agreement as between any of the Parties to this Agreement to the extent necessary to give effect to this Agreement.

Article 25
Depository

Australia shall be the depository for this Agreement.

IN WITNESS WHEREOF the undersigned being duly authorised by their respective Governments have signed this Agreement.

DONE at Townsville this twenty-fourth day of May two thousand and three

FOR SOLOMON ISLANDS

FOR AUSTRALIA

FOR NEW ZEALAND

FOR FIJI

FOR PAPUA NEW GUINEA

FOR SAMOA

FOR TONGA